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PETER MICHAEL WATERHOUSE

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BUCHANAN, INGERSOLL & ROONEY PC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER MICHAEL WATERHOUSE,
MING-BO WANG, and MICHAEL WAYNE GRAHAM

Appeal 2011-002275
Application 09/287,632
Technology Center 1635

Before DEMETRA J. MILLS, RICHARD M. LEBOVITZ, and
FRANCISCO C. PRATS, *Administrative Patent Judges*.

LEBOVITZ, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

This a request for a rehearing pursuant to 37 C.F.R. § 41.52 (hereinafter, “Req. Reh’g,” dated May 30, 2012) of the Decision in which we affirmed the provisional obvious-type double-patenting rejection of claims 22, 26, 42, 53, 54, 56, 58, 63-69, 100-103, 109, and 115-122 over claims 35-38 of copending Application No. 11/841,737 (Decision of March 30, 10, 2012; hereinafter “Dec.”). Appellants direct our attention to the fact that a Notice of Abandonment was mailed in Application No. 11/841,737 on

Appeal 2011-002275
Application 09/287,632

August 8, 2011 (Req. Reh'g 1). Thus, at the time the Decision was issued, the rejection was moot. We therefore dismiss the obvious-type double patenting rejection. *Id.* at 1-2.

REHEARING GRANTED

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